IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 20459 of 1999

Between:

1. A. Gangadhara Gurkul, S/o.Subramanya Gurukul.

2. Archakam Subramayan Gurkul, S/o. Ramappa

3. Archakam Viswanadha Gurukul, S/o.Sadasivagurkul

(All are Archakas of Mogileswaraswamy Temple, Mogili Village

Bangarupalem Mandal, Chittoor District.)

..... PETITIONER

AND

1. The Government of Andhra Pradesh, Represented by

its Secretary, Revenue (Endowments) Department,

Secretariat, Hyderabad.

2. The District Collector, Chittoor

3. The Revenue Divisional Officer, Chittoor, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or Order or direction more particularly one in the nature of Writ of Mandamus declaring the notification under Section 4(1) of the Land Acquisition Act issued by the District Collector, Chittoor in “EENADU” Telugu Daily, dated 14.6.1999 proposing to acquire Ac.8.00 in Sy.No.93/2 of Mogili Village, Bangarupalem Mandal, Chittoor District, as arbitrary and illegal and contrary to the G.O.Ms.No.456, Revenue (End-II) Department, dated 29.9.1995.

Counsel for the Petitioners:MR.D.KODANDARAMI REDDY

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

The Court made the following :

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.20459 OF 1999

ORDER:

The petitioners herein are Archakas of Sri Mogileswaraswamy Temple, Mogili Village, Bangarupalem Mandal, Chittoor District. It is their case that the temple is maintained from income derived from the agricultural land in S.No.93/2 admeasuring Acs.8.00 of Mogili Village and that if the land is acquired, it would violate their rights as such Archakas. Therefore, they challenged the Notification issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, the Act) on various grounds.

It is, however, not necessary to go into the details as it is brought to the notice of this Court by the learned Assistant Government Pleader for Revenue (Land Acquisition) by the declaration under Section 6(1) has not been published within a period of one year as contemplated under proviso (ii) to Section 6(1) of the Act. In that view of the matter, proceedings initiated under the Act must be held to have been lapsed.

The Writ Petition is accordingly disposed of giving liberty to respondents to take necessary action in accordance with law if the land is required for any public

purpose. No costs.

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(V.V.S.RAO, J)

16.8.2004

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Secretary to Government of Andhra Pradesh,

Revenue (Endowments) Department,

Secretariat, Hyderabad.

2. The District Collector, Chittoor

3. The Revenue Divisional Officer, Chittoor, Chittoor District.

4. 2CCs to G.P. for Revenue, High Court Buildings, Hyderabad

5. 2CD copies